

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

E. JEAN CARROLL,

Plaintiff,

v.

DONALD J. TRUMP,

Defendant.

No. 22 Civ. 10016 (LAK)

**PLAINTIFF E. JEAN CARROLL’S RESPONSE TO DEFENDANT
DONALD J. TRUMP’S LOCAL CIVIL RULE 56.1 STATEMENT**

Pursuant to Local Rule 56.1 of the Civil Rules of this Court, Plaintiff E. Jean Carroll submits the following responses to Defendant Donald J. Trump’s Local Civil Rule 56.1 Statement, ECF 68, and a statement of additional material facts in support of her opposition to Trump’s motion for summary judgment.

I. RESPONSES TO DEFENDANT’S STATEMENT OF MATERIAL FACTS

1. Count II of the *Carroll II* Complaint of Plaintiff, E. Jean Carroll (“Carroll” or “Plaintiff”), arises from alleged defamatory statements that Trump made on October 12, 2022 (the “October 12, 2022 Statement”) that summarized his pleading in *Carroll I*, described the positions he took in *Carroll I* and provided background information concerning such pleading and positions taken. See *Carroll I* Complaint (Ex. A) at ¶¶ 11, 13, 24, 25, 85-88, 90, 93, 94, 100, 113-118; *Carroll I* Answer (Ex. B) at ¶¶ 11, 13, 24, 25, 85-88, 90, 93, 94, 100, 113-118, 150; *Carroll II* Complaint (Ex. C) at ¶¶ 92, 96-98.

Response: Disputed in that Trump mischaracterizes his October 12, 2022 Statement. Further disputed in that the cited paragraphs of the *Carroll I* Complaint, *Carroll I* Answer, and *Carroll II* Complaint do not support the characterization that Trump’s October 12, 2022 Statement “summarized his pleading in *Carroll I*, described the positions he took in *Carroll I* and provided background information concerning such pleading and positions taken.”

2. Furthermore, the October 12, 2022 Statement clearly referenced the pending litigation

(*Carroll I*) and even referenced this Court in *Carroll I* being reversed by the Second Circuit. See *Carroll II* Complaint (Ex. C) at ¶¶ 92; see also *Carroll v. Trump*, 49 F.4th 759, 761 (2d Cir. 2022)(“We reverse the District Court’s holding that the President of the United States is not an employee of the government under the Westfall Act.”).

Response: Disputed in that Trump mischaracterizes his October 12, 2022 Statement. Further disputed in that the cited paragraph of the *Carroll II* Complaint does not support the characterization that the October 12, 2022 Statement “clearly referenced the pending litigation (*Carroll I*) and even referenced this Court in *Carroll I* being reversed by the Second Circuit.”

3. Trump’s October 12, 2022 Statement merely references Plaintiff’s pending lawsuit against him (*Carroll I*), Carroll’s claims in *Carroll I*, and Trump’s allegations, defenses and positions taken in *Carroll I*, and relevant background information concerning *Carroll I*. See *Carroll I* Complaint (Ex. A) at ¶¶ 11, 13, 24, 25, 85-88, 90, 93, 94, 100, 113-118; *Carroll I* Answer (Ex. B) at ¶¶ 11, 13, 24, 25, 85-88, 90, 93, 94, 100, 113-118, 150; *Carroll II* Complaint (Ex. C) at ¶¶ 92, 96-98; see also *Carroll*, 49 F.4th at 761.

Response: Disputed in that Trump mischaracterizes his October 12, 2022 Statement. Further disputed in that the cited paragraphs of the *Carroll I* Complaint, *Carroll I* Answer, and *Carroll II* Complaint do not support the characterization that “Trump’s October 12, 2022 Statement merely references Plaintiff’s pending lawsuit against him (*Carroll I*), Carroll’s claims in *Carroll I*, and Trump’s allegations, defenses and positions taken in *Carroll I*, and relevant background information concerning *Carroll I*.”

4. Plaintiff’s Complaint in *Carroll II* alleges that Trump made the October 12, 2022 Statement, and portions of that statement were untrue because Trump states (allegedly falsely) that: (a) Trump did not rape Plaintiff; (b) Trump did not know Carroll and never met her before; and (c) Plaintiff made up the false accusation (or hoax, scam or ploy) of rape to increase sales for her new book. See *Carroll II* Complaint (Ex. C) at ¶¶ 92, 96-98.

Response: Disputed as an incomplete statement of the allegations in Plaintiff’s Complaint in *Carroll II*. Further disputed in that the cited paragraphs of the *Carroll II* Complaint do not support the characterization that “portions of that statement were untrue because Trump states (allegedly falsely) that: (a) Trump did not rape Plaintiff; (b) Trump did not know Carroll and never met her before; and (c) Plaintiff made up the false accusation (or hoax, scam or ploy) of rape to

increase sales for her new book.” The cited paragraphs of the *Carroll II* Complaint state that, “In the October 12 statement, Trump falsely stated that he did not rape Carroll”; “In the October 12 statement, Trump falsely stated that he had no idea who Carroll was”; and “In the October 12 statement, Trump falsely implied and affirmatively intended to imply that Carroll had invented the rape accusation as a ‘hoax,’ ‘scam,’ or ploy to increase her book sales.” *Carroll II* Compl. ¶¶ 96–98.

5. Specifically, the Complaint alleges as follows:

[O]n October 12, 2022, Trump posted the following:

“This ‘**Ms. Bergdorf Goodman case**’ is a complete con job, and our legal system in this Country, but especially in New York State (just look at Peekaboo James), is a broken disgrace. You have to fight for years, and spend a fortune, in order to get your reputation back from liars, cheaters, and hacks. **This decision is from the Judge who was just overturned on my same case.** I don’t know this woman, have no idea who she is, other than it seems she got a picture of me many years ago, with her husband, shaking my hand on a reception line at a celebrity charity event. She completely made up a story that I met her at the doors of this crowded New York City Department Store and, within minutes, ‘swooned’ her. It is a Hoax and a lie, just like all the other Hoaxes that have been played on me for the past seven years. And, while I am not supposed to say it, I will. This woman is not my type! She has no idea what day, what week, what month, what year, or what decade this so-called ‘event’ supposedly took place. The reason she doesn’t know is because it never happened, and she doesn’t want to get caught up with details or facts that can be proven wrong. If you watch Anderson Cooper’s interview with her, where she was promoting a really crummy book, you will see that it is a complete Scam. She changed her story from beginning to end, after the commercial break, to suit the purposes of CNN and Andy Cooper. Our Justice System is broken along with almost everything else in our Country.”

He then continued:

“In the meantime, and for the record, E. Jean Carroll is not telling the truth, is a woman who I had nothing to do with, didn’t know, and would have no interest in knowing her if I ever had the chance. Now all I have to do is go through years more of legal nonsense in order

to clear my name of her and her lawyer's phony attacks on me. This can only happen to 'Trump'!"

Carroll II Complaint (Ex. C) ¶ 92 (emphasis added).

Response: Disputed to the extent that the emphasized words support Trump's mischaracterizations of the October 12, 2022 Statement.

6. The October 12, 2022 Statement was about the "case" (*i.e.* lawsuit) that Plaintiff brought against Trump. See *Carroll I* Complaint (Ex. A) at ¶¶ 11, 13, 24, 25, 85-88, 90, 93, 94, 100, 113-118; *Carroll I* Answer (Ex. B) at ¶¶ 11, 13, 24, 25, 85-88, 90, 93, 94, 100, 113-118, 150; *Carroll II* Complaint (Ex. C) at ¶¶ 92, 96-98; see also *Carroll*, 49 F.4th at 761.

Response: Disputed in that Trump mischaracterizes his October 12, 2022 Statement. Further disputed in that the cited paragraphs of the *Carroll I* Complaint, *Carroll I* Answer, and *Carroll II* Complaint do not support the characterization that "[t]he October 12, 2022 Statement was about the 'case' (*i.e.* lawsuit) that Plaintiff brought against Trump."

7. The first sentence of the October 12, 2022 Statement reads: "This 'Ms. Bergdorf Goodman case' is a complete con job" *Carroll II* Complaint at ¶ 92 (Ex. C)(emphasis added).

Response: Disputed as incomplete and a mischaracterization of Trump's October 12, 2022 Statement. The first sentence of the October 12, 2022 statement reads: "This 'Ms. Bergdorf Goodman case' is a complete con job, and our legal system in this Country, but especially in New York State (just look at Peekaboo James), is a broken disgrace." *Carroll II* Compl. ¶ 92.

8. Additionally, Trump, in the October 12, 2022 Statement, made another unmistakable reference to *Carroll I*, when he cited to this Court being reversed by the Second Circuit in *Carroll I*: "This decision is from the Judge who was just *overturned on my same case.*" *Carroll II* Complaint ¶ 92 (Ex. C)(emphasis added).

Response: Disputed in that Trump mischaracterizes his October 12, 2022 Statement. Further disputed in that the cited paragraph of the *Carroll II* Complaint does not support the characterization that "Trump, in the October 12, 2022 Statement, made another unmistakable reference to *Carroll I*, when he cited to this Court being reversed by the Second Circuit in *Carroll I.*"

9. The *Carroll II* Complaint alleges what Plaintiff claims is false with regard to October 12, 2023 Statement. The Complaint in *Carroll II* alleges:

In the October 12 statement, Trump falsely stated that he did not rape Carroll.

In the October 12 statement, Trump falsely stated that he had no idea who Carroll was.

In the October 12 statement, Trump falsely implied and affirmatively intended to imply that Carroll had invented the rape accusation as a “hoax,” “scam,” or ploy to increase her book sales.

Carroll II Complaint (Ex. C) ¶¶ 96-98.

Response: Disputed to the extent that the cited paragraphs of the *Carroll II* Complaint allege falsity with respect to a statement Trump made on October 12, 2022.

10. Hence, Plaintiff specifically alleges three categories of purported falsity, namely Trump statements (allegedly false) that: (a) Trump did not rape Plaintiff; (b) Trump did not know Carroll and never met her before; and (c) Plaintiff made up the false accusation (or hoax, scam or ploy) of rape to increase sales for her new book (“Three Categories of Alleged Falsity”). See *Carroll II* Complaint (Ex. C) at ¶¶ 92, 96-98.

Response: Disputed as an incomplete statement of the allegations in Plaintiff’s Complaint in *Carroll II*. Further disputed in that the cited paragraphs of the *Carroll II* Complaint do not support the characterization that “Plaintiff specifically alleges three categories of purported falsity, namely Trump statements (allegedly false) that: (a) Trump did not rape Plaintiff; (b) Trump did not know Carroll and never met her before; and (c) Plaintiff made up the false accusation (or hoax, scam or ploy) of rape to increase sales for her new book.” The cited paragraphs of the *Carroll II* Complaint state that, “In the October 12 statement, Trump falsely stated that he did not rape Carroll”; “In the October 12 statement, Trump falsely stated that he had no idea who Carroll was”; and “In the October 12 statement, Trump falsely implied and affirmatively intended to imply that Carroll had invented the rape accusation as a ‘hoax,’ ‘scam,’ or ploy to increase her book sales.” *Carroll II* Compl. ¶¶ 96–98.

11. However, the Three Categories of Alleged Falsity pertain to the exact same issues that were being litigated in *Carroll I*. See *Carroll I* Complaint (Ex. A) at ¶¶ 11, 13, 24, 25, 85-88,

90, 93, 94, 100, 113-118; *Carroll I* Answer (Ex. B) at ¶¶ 11, 13, 24, 25, 85-88, 90, 93, 94, 100, 113-118, 150; *Carroll II* Complaint (Ex. C) at ¶¶ 92, 96-98.

Response: Disputed for the same reasons stated in Plaintiff’s Response to Paragraph 10. Further disputed in that the cited paragraphs of the *Carroll I* Complaint, *Carroll I* Answer, and *Carroll II* Complaint do not support the characterization that “the Three Categories of Alleged Falsity pertain to the exact same issues that were being litigated in *Carroll I*.”

12. When Trump made the October 12, 2022 Statement concerning the Three Categories of Alleged Falsity, he was merely summarizing and/or restating his allegations (*i.e.* his denials and affirmative defenses) and/or positions asserted in his Answer filed in *Carroll I*. See *Carroll I* Complaint (Ex. A) at ¶¶ 11, 13, 24, 25, 85-88, 90, 93, 94, 100, 113-118; *Carroll I* Answer (Ex. B) at ¶¶ 11, 13, 24, 25, 85-88, 90, 93, 94, 100, 113-118, 150; *Carroll II* Complaint (Ex. C) at ¶¶ 92, 96-98.

Response: Disputed for the same reasons stated in Plaintiff’s Response to Paragraph 10. Further disputed in that the cited paragraphs of the *Carroll I* Complaint, *Carroll I* Answer, and *Carroll II* Complaint do not support the characterization that Trump’s October 12, 2022 Statement “was merely summarizing and/or restating his allegations (*i.e.* his denials and affirmative defenses) and/or positions asserted in his Answer filed in *Carroll I*.”

13. Plaintiff alleges in her *Carroll I* Complaint that Trump made false statements when he declared that he did not rape Plaintiff. Below are some examples:

He certainly knew that she was telling the truth. After he lied about attacking her, he surrounded that central lie with a swarm of related lies in an effort to explain why she would invent an accusation of rape. [¶ 13]

Trump falsely stated that he did not rape Carroll. [¶ 85, see also ¶¶ 93 and 100]

Trump falsely implied and affirmatively intended to imply that Carroll invented the rape accusation [¶ 90]

Trump knew it was false to state that he had never raped Carroll.
[¶ 115]

Trump knew that the accusation was true [¶ 116]

[Trump] knew that Carroll had spoken the truth [¶ 117]

[H]e knew that her accusation against him was truthful [¶ 118]

Carroll I Complaint (Ex. A) at ¶¶ 13, 85, 90, 93, 100, 115-118.

Response: Disputed as an incomplete statement of the allegations in Plaintiff's *Carroll I* Complaint.

14. In response, Trump denied all of the above-quoted and cited paragraphs of the *Carroll I* Complaint in his *Carroll I* Answer. *See Carroll I* Answer (Ex. B) at ¶¶ 13, 85, 90, 93, 100, 115-118.

Response: Undisputed.

15. Trump also alleged the Affirmative Defense in his *Carroll I* Answer that his alleged defamatory statements (alleged in the *Carroll I* Complaint) "are true." *Carroll I* Answer (Ex. B) at ¶150.

Response: Undisputed.

16. Therefore, when Trump stated that he did not rape Plaintiff in the October 12, 2022 Statement, he was only repeating and summarizing his allegations and positions taken in his *Carroll I* Answer. *See Carroll I* Answer (Ex. B) at ¶¶ 13, 85, 90, 93, 100, 115-118; *Carroll II* Complaint (Ex. C) at ¶ 92.

Response: Disputed in that Trump mischaracterizes his October 12, 2022 Statement. Further disputed in that the cited paragraphs of the *Carroll I* Answer and *Carroll II* Complaint do not support the characterization that "when Trump stated that he did not rape Plaintiff in the October 12, 2022 Statement, he was only repeating and summarizing his allegations and positions taken in his *Carroll I* Answer."

17. Plaintiff alleges in her *Carroll I* Complaint that Trump made false statements when he declared that he did not know Plaintiff at the time of the October 12, 2022 Statement, nor in the 1990s. Below are some examples:

Trump had recognized Carroll on sight at Bergdorf Goodman. He knew who she was when he raped her, and he knew who she was in 2019. [¶13]

Trump instantly recognized Carroll on sight. They had met at least once before and had long traveled in the same New York City media circles. In this period, Carroll was doing the daily Ask E. Jean TV show, a small hit on the “America’s Talking” network started by Roger Ailes. She was also on a frequent guest and commentator on the widely watched Today show. [¶24]

Trump put up his hand to stop her from exiting and said, “Hey, you’re that advice lady!” Carroll, struck by his boyish good looks, responded by saying, “Hey, you’re that real estate tycoon!” [¶25]

Trump falsely stated that he had never met Carroll. [¶86]

Trump falsely implied and affirmatively intended to imply that he had no idea who Carroll was. [¶87]

Trump falsely stated that he had no idea who Carroll was. [¶94]

In June 2019, Trump knew it was false to state that he had never met Carroll. [¶113]

In June 2019, Trump knew it was false to state that he had no idea who Carroll was. [¶114]

Carroll I Complaint (Ex. A) at ¶¶ 13, 24, 25, 86, 87, 94, 113 and 114.

Response: Disputed as an incomplete statement of the allegations in Plaintiff’s Complaint in *Carroll I*. Disputed as incorrect to the extent that it characterizes Trump’s statements as declaring only “that he did not know Plaintiff at the time of the October 12, 2022 Statement” or

“in the 1990s.” Trump declared that he did not meet Plaintiff or know Plaintiff at *any* time. *See, e.g., Carroll I* Compl. ¶¶ 82, 86, 87, 91, 94; Ex. 1 (“Trump Dep.”) at 58:14–60:8, 64:25–67:9.

18. In response, Trump denied all of the above-quoted and cited paragraphs of the *Carroll I* Complaint in his *Carroll I* Answer. *See Carroll I* Answer (Ex. B) at ¶¶ 13, 24, 25, 86, 87, 94, 113 and 114.

Response: Undisputed.

19. Trump also alleged the Affirmative Defense in his *Carroll I* Answer that his alleged defamatory statements (alleged in the *Carroll I* Complaint) “are true.” *Carroll I* Answer (Ex. B) at ¶150.

Response: Undisputed.

20. Therefore, when Trump stated, in the October 12, 2022 Statement, that he did not know Plaintiff in the 1990s nor subsequently when he made the October 12, 2022 Statement, he was only repeating and summarizing his allegations and positions taken in his *Carroll I* Answer. *Carroll I* Complaint (Ex. A) at ¶¶ 13, 24, 25, 86, 87, 94, 113 and 114; *Carroll I* Answer (Ex. B) at ¶¶ 13, 24, 25, 86, 87, 94, 113 and 114; *Carroll II* Complaint (Ex. C) at ¶ 92.

Response: Disputed in that Trump mischaracterizes his October 12, 2022 Statement. Further disputed for the same reasons stated in Plaintiff’s Response to Paragraph 17. Further disputed in that the cited paragraphs of the *Carroll I* Complaint, *Carroll I* Answer, and *Carroll II* Complaint do not support the characterization that “when Trump stated, in the October 12, 2022 Statement, that he did not know Plaintiff in the 1990s nor subsequently when he made the October 12, 2022 Statement, he was only repeating and summarizing his allegations and positions taken in his *Carroll I* Answer.”

21. Plaintiff alleges in her *Carroll I* Complaint that Trump made false statements when he declared that Plaintiff made the false rape allegation against him in order to enhance the sales of her book. Below are some examples:

Through express statements and deliberate implications, he accused Carroll of lying about the rape in order to increase book sales ... and make money. [¶11]

Trump falsely implied and affirmatively intended to imply that Carroll had invented the rape accusation as a ploy for increased book sales. [¶88]

Trump's other defamatory statements about Carroll in June 2019 [included] that she had fabricated the rape accusation to increase her book sales [¶116]

Carroll I Complaint (Ex. A) at ¶¶ 11, 88 and 116.

Response: Disputed as an incomplete statement of the allegations in Plaintiff's Complaint in *Carroll I*.

22. In response, Trump denied all of the above-quoted and cited paragraphs of the *Carroll I* Complaint in his *Carroll I* Answer. *Carroll I* Answer (Ex. B) at ¶¶ 11, 88 and 116.

Response: Undisputed.

23. Trump also alleged the Affirmative Defense in his *Carroll I* Answer that his alleged defamatory statements (alleged in the *Carroll I* Complaint) "are true." *Carroll I* Answer (Ex. B) at ¶150.

Response: Undisputed.

24. Therefore, when Trump stated, in the October 12, 2022 Statement, that Plaintiff made the false rape allegation against him in order to enhance the sales of her book, he was only repeating and summarizing his allegations and positions taken in his *Carroll I* Answer. *Carroll I* Complaint (Ex. A) at ¶¶ 11, 88 and 116; *Carroll I* Answer (Ex. B) at ¶¶ 11, 88 and 116; *Carroll II* Complaint (Ex. C) at ¶ 92.

Response: Disputed in that Trump mischaracterizes his October 12, 2022 Statement. Further disputed in that the cited paragraphs of the *Carroll I* Complaint, *Carroll I* Answer, and *Carroll II* Complaint do not support the characterization that "when Trump stated, in the October 12, 2022 Statement, that Plaintiff made the false rape allegation against him in order to enhance the sales of her book, he was only repeating and summarizing his allegations and positions taken in his *Carroll I* Answer."

25. Plaintiff was interviewed on CNN by Anderson Cooper on June 24, 2019. *See* Transcript of Anderson Cooper's CNN interview of Plaintiff (Ex. E).

Response: Undisputed.

26. Plaintiff does not attribute any falsity to Trump's reference to the Anderson Cooper interview; it just happened to be mentioned in the October 12, 2022 Statement. Plaintiff does not allege that the reference to the Anderson Cooper interview was defamatory. *Carroll II* Complaint (Ex. C) at ¶¶ 92, 96-98.

Response: Disputed in that Trump mischaracterizes the allegations of Plaintiff's Complaint in *Carroll II*. Plaintiff's Complaint in *Carroll II* asserts that Trump made a false and defamatory statement when he asserted that Carroll lied about the rape in her interview with Anderson Cooper in order to promote "a really crummy book." See, e.g., *Carroll II* Compl. ¶¶ 92, 107, 108, 118. Further disputed in that the cited paragraphs of the *Carroll II* Complaint do not support the characterization that the Anderson Cooper interview "just happened to be mentioned in the October 12, 2022 Statement." The October 12, 2022 Statement states: "If you watch Anderson Cooper's interview with her, where she was promoting a really crummy book, you will see that it is a complete Scam. She changed her story from beginning to end, after the commercial break, to suit the purposes of CNN and Andy Cooper." *Carroll II* Compl. ¶ 92.

27. One of Trump's alleged defamatory statements alleged in the *Carroll I* Complaint – the June 24, 2019 statement ("I'll say it with great respect: Number one, she's not my type. Number two, it never happened. It never happened, OK?") was published in the very article cited in the *Carroll I* Complaint that also referenced the Anderson Cooper interview, namely Jordan Fabian & Saagar Enjeti, EXCLUSIVE: Trump Vehemently Denies E. Jean Carroll Allegation, Says "*She's Not My Type*", Hill (June 24, 2019)(Ex. F). See *Carroll I* Complaint at ¶¶ 97-100, and footnote 13.

Response: Undisputed.

28. The June 24, 2019 Hill article (which is cited in the *Carroll I* Complaint) actually quotes the Anderson Cooper interview: "'I love that I'm not his type,' Carroll said in an interview on CNN, responding to Trump's comments shortly after they were published." See June 24, 2019 Hill Article (Ex. F) at p. 2.

Response: Disputed to the extent that it suggests that the original version of the June 24, 2019 Hill article quoted the Anderson Cooper interview.

29. Plaintiff herself clearly speaks about one of the Trump statements quoted in the *Carroll I* Complaint (“she’s not my type”) during Anderson Cooper interview. See the Transcript of the Anderson Cooper interview (Ex. E) at pp. 14-15: “COOPER: I’m wondering, the statement that he said which he’s just made which is she’s not my type, that was the number one thing – CARROLL: I love that I’m not his type. Don’t you love that you’re not his type?”

Response: Undisputed.

30. The *Carroll I* Complaint has multiple references to the “she’s not my type” statement. See *Carroll I* Complaint (Ex. A) at ¶ 97 and footnotes 13 and 14.

Response: Disputed in that the *Carroll I* Complaint quotes Trump’s June 24, 2019 statement, which contains the language “she’s not my type,” only once, *Carroll I* Compl. ¶ 97, and footnotes 13 and 14 in the *Carroll I* Complaint cite articles reflecting the dissemination of Trump’s June 24, 2019 statement. *Carroll I* Compl. ¶¶ 97 n.13, 98 n.14.

II. PLAINTIFF’S STATEMENT OF ADDITIONAL MATERIAL FACTS

A. Trump Defames Carroll

31. On October 12, 2022, Trump posted the following on Truth Social:



- October 12, 2022 -

Statement by Donald J. Trump, 45th President of the United States of America

This "Ms. Bergdorf Goodman" case is a complete con job, and our legal system in this Country, but especially in New York State (just look at Peekaboo James), is a broken disgrace. You have to fight for years, and spend a fortune, in order to get your reputation back from liars, cheaters, and hacks. This decision is from the Judge who was just overturned on my same case. I don't know this woman, have no idea who she is, other than it seems she got a picture of me many years ago, with her husband, shaking my hand on a reception line at a celebrity charity event. She completely made up a story that I met her at the doors of this crowded New York City Department Store and, within minutes, "swooned" her. It is a Hoax and a lie, just like all the other Hoaxes that have been played on me for the past seven years. And, while I am not supposed to say it, I will. This woman is not my type! She has no idea what day, what week, what month, what year, or what decade this so-called "event" supposedly took place. The reason she doesn't know is because it never happened, and she doesn't want to get caught up with details or facts that can be proven wrong. If you watch Anderson Cooper's interview with her, where she was promoting a really crummy book, you will see that it is a complete Scam. She changed her story from beginning to end, after the commercial break, to suit the purposes of CNN and Andy Cooper. Our Justice System is broken along with almost everything else in our Country. Her lawyer is a political operative and Cuomo crony who goes around telling people that the way to beat Trump is to sue him all over the place. She is suing me on numerous frivolous cases, just like this one, and the court system does nothing to stop it. In the meantime, and for the record, E. Jean Carroll is not telling the truth, is a woman who I had nothing to do with, didn't know, and would have no interest in knowing her if I ever had the chance. Now all I have to do is go through years more of legal nonsense in order to clear my name of her and her lawyer's phony attacks on me. This can only happen to "Trump"!



Ex. 2; *see also* Trump Dep. at 127:9–15, 132:9–134:13.

32. Truth Social is a social media platform launched by Trump as an alternative to Twitter. Trump Dep. at 125:22–24.

33. When Trump posted this statement, he had over 4 million followers on Truth Social. *Id.* at 126:4–127:8.

34. Trump testified that he wrote and posted the entire statement himself without talking to anyone. *Id.* at 127:9–15, 134:10–18.

35. Trump also testified that he had people from his office distribute the October 12, 2022 Statement to the press, including to an email list of reporters. *Id.* at 127:16–129:2.

36. Carroll’s reputation was further damaged by the October 12, 2022 Statement, and she received significant negative media attention, both publicly and privately, after Trump made the statement. *See* Ex. 3 (“Humphreys Rep.”) at 42–45 & Appx. E.

37. The quantitative data shows that Trump’s October 12, 2022 Statement was widely disseminated. Based on a comprehensive analysis conducted by Professor Ashlee Humphreys, and using conservative estimates, Trump’s defamatory October 12, 2022 Statement generated between 13,787,119 and 18,020,819 impressions across various forms of media. *See id.* at 25–35 & Appxs. D, H.

38. Professor Humphreys’ analysis showed that 21.42% of readers and listeners were likely to believe Trump’s October 12, 2022 Statement. *Id.* at 45–49 & Appx. F. As a result, between 3,764,125 to 5,649,724 of the impressions generated by Trump’s October 12, 2022 Statement were likely received by people who were receptive to them. *Id.*

Dated: New York, New York
March 9, 2023

Respectfully submitted,



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